

RESPONSE UNDER 37 C.F.R. 1.116 - EXPEDITED
PROCEDURE - EXAMINING GROUP 2815

12 1/2

Attorney's Docket No. 5308-168

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Das et al.

Serial No.: 09/878,442

Filed: June 11, 2001

For: HIGH VOLTAGE, HIGH TEMPERATURE CAPACITOR STRUCTURE AND
METHODS OF FABRICATING SAME

Confirmation No.: 2584

Group Art Unit: 2815

Examiner: J. Jackson, Jr.

NOV 19 2002 Date: November 4, 2002

Box AF

Commissioner for Patents
Washington, DC 20231

OFFICE OF THE
PROGRAM EXAMINER

PATENT

TERMINAL DISCLAIMER
APPROVED

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TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(b)

Sir:

I, Timothy J. O'Sullivan, am an attorney of record of the disclaimant, Cree, Inc., and am authorized to execute this disclaimer on behalf of Cree, Inc. The disclaimant, Cree, Inc., having a principal place of business at Durham, North Carolina, is the owner of all right, title, and interest in the above-identified application, by Assignment recorded September 4, 2001, on Reel 012128, Frame 0788.

The disclaimant hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of United States Patent No. 6,246,076, entitled *Layered Dielectric on Silicon Carbide Semiconductor Structures*, which patent was assigned to the above-identified disclaimant by an Assignment recorded on January 21, 1999, and recorded at Reel 9710, Frame 0462.


Disclaimant further agrees that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,246,076, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application which is prior to the expiration of the full statutory term of U.S. Patent No. 6,246,076 in the event that it later expires for failure to pay

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a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully submitted,


Timothy J. O'Sullivan
Registration No. 35,632 ✓

Customer Number:



20792

PATENT TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box AF, Commissioner for Patents, Washington, DC 20231, on November 4, 2002.




Traci A. Brown

Date of Signature: November 4, 2002

**TERMINAL DISCLAIMER
APPROVED**

NOV 21 2002

**TECHNOLOGY CENTER 2800
SPECIAL PROGRAM CENTER**


Deborah P. Vega

**Paralegal Specialist
Technology Center 2800
(703) 308-3078**

DATE: 21 Nov. 2002
 TO: EXAMINER J. Jackson
 FROM: Deborah Perry Vega
 PARALEGAL SPECIALIST

APPL. S.N.: 09/878,442
 ART UNIT: 2815

SUBJECT: Decision on Terminal Disclaimer (T.D.) filed: 13 Nov. 2002

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete, please initial, date and return this memo to me. THANK YOU.

- ☒ The T.D. is PROPER and has been recorded (see ¶ 14.23).
- ☐ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see ¶ 14.24):
- ☐ The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account (see ¶ 14.26.07).
 - ☐ The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see ¶ ¶ 14.26 & 14.26.01).
 - ☐ The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see ¶ 14.27.01).
 - ☐ The T.D. is directed to a particular claim(s), which is not acceptable since “the disclaimer must be for a terminal portion of the term of the entire patent to be granted” (MPEP 1490) (see ¶ ¶ 14.26 & 14.26.02).
 - ☐ The person who signed the T.D.:
 - ☐ is not an attorney “of record” (see ¶ ¶ 14.29 and 14.29.01).
 - ☐ has failed to state his/her capacity to sign for the business entity (see ¶ 14.28).
 - ☐ is not recognized as an officer of the assignee (see ¶ ¶ 14.29 & possible 14.29.02).
 - ☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see ¶ 14.30).
 - ☐ The T.D. is not signed (see ¶ ¶ 14.26 & 14.26.03).
 - ☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see ¶ 14.32).
 - ☐ The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see ¶ ¶ 14.26, 14.27.02 or 14.26.05).
 - ☐ The period disclaimed is incorrect or not specified (see ¶ ¶ 14.26, 14.27.02 or 14.26.03).
 - ☐ Other:
 - ☐ Suggestion to request refund (see ¶ 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex. Initials: JP

Date: 12/02

Log Date: